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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,564	10/31/2003	Yoshiharu Ikegawa	CANO:098	1569

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01/11/2007

EXAMINER

RIMELI, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,564

Applicant(s)

IKEGAWA, YOSHIHARU

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.


SAM RIMELL
PRIMARY EXAMINER

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: Claim 1 has been amended to call for “controller that displays the read additional information by said display device.” This statement is confusing because it suggests that both the controller and the display device perform the display function, suggesting that the two devices are actually the same single device. Accordingly, it is not clear whether these two devices are the very same device, or separate devices.

Claims 2-6: Depends on claim 1.

Claim 13: Same rationale for rejection as claim 1, except that the term “controller” is now “controlling module”.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata (U.S. Pre-Grant Publication 2002/0082027).

Claim 1: Nagata discloses an image input device (input device 21 in FIG. 4 and paragraph 0103); an additional information reading device (input device 11 in FIG. 4 and paragraph 0092); a search device that carries out a search for an original file (operating device 23 in FIG. 4 and paragraph 0139, lines 3-6); a copy output device (output device 15 in FIG. 4); a display device (computer monitor at customer terminal 10 in FIG. 2); an editing device (browser page of FIG. 10 which permits entry and edited entries of information requests); a controller (hardware of the computer processing system); and a determining device (software instructions of paragraphs 0153-0153 which determine if an error is made by a file not being found, see particularly paragraph 0154, lines 8-14).

The controller is controlled by the instructions defined in paragraphs 0153-0154, which dictates that when an original search does not produce a result, the user is notified that the file information is not found and demands another input of information.

The display device (10 in FIG. 2) can display the additional information input by the user, such as displaying the input search query in the browser of FIG. 10.

Claim 2: The editing of the additional information can also be the entry of the additional information at the input device (11). This editing is possible at any time, including the point of time at which a search for a file has been completed and no file is found.

Claim 3: As stated with respect to claim 2, the editing of the additional information is the entry of the additional information at the input device (11). A search can be performed after this editing is completed.

Claim 4: The copying apparatus is the overall system of FIG. 4. This apparatus includes an information processing apparatus (24) which stores wine labels. It also communicates with a

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network (8). The search device (23) searches the information processing apparatus (24) when a search query is entered by the consumer (3).

Claim 5: The additional information reading device (11) can be an image scanner (paragraph 0103, line 2), which means that the additional information can be the information within an image of the wine label (FIG. 7B). Any of the text or images on the label of FIG. 7B constitutes electronic watermark information, given that the claims do not define the nature of the watermark.

Claim 6: The additional information on the wine label can include a bar code (FIG. 9).

Claim 7: See remarks for claim 1.

Claim 8: See remarks for claim 2.

Claim 9: See remarks for claim 3.

Claim 10: See remarks for claim 4.

Claim 11: See remarks for claim 5.

Claim 12: See remarks for claim 6.

Claim 13: See remarks for claim 1.

Remarks

Applicant's arguments have been considered.

Applicant argues that Nagata does not have the ability to display bar code information nor prompt the user to correct bar code information. This argument appears to be based on an incorrect assumption that the only additional information within the Nagata system is bar code

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information. While the bar code information is just one form of the additional information, Nagata discloses various other forms of additional information input, displayable and editable by the user at the user terminal (10). For example, search query words which are displayed to the user in the interface of FIG. 10 would constitute additional information that is input and editable and displayable to the user.

It is also noted that none of the claims require the display or editing of bar code information, so requiring Nagata to demonstrate such features is moot, since such features are not actually required by the claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.


SAM RIMELL
PRIMARY EXAMINER